

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In Re:	: Bankruptcy No. 5:19-bk-01677-RNO
Carmelita P Zarola	: Chapter 13
Debtor	:
	:
U.S. Bank National Association, not in its	:
individual capacity but solely as Trustee for	:
the NRZ Pass-Through Trust XVIII c/o Fay	:
Services, LLC	:
Movant	:
vs.	:
Carmelita P Zarola and Dominick Zarola	:
(Non-filing Co-Debtor)	:
Debtors/Respondents	:
and	:
Charles J. DeHart, III, Esquire	:
Trustee/Respondent	:

CERTIFICATION OF DEFAULT

AND NOW, comes secured Creditor U.S. Bank National Association, not in its individual capacity but solely as Trustee for the NRZ Pass-Through Trust XVIII c/o Fay Services, LLC (“Movant”) by and through its counsel, Bradley J. Osborne, Esq., of Hladik, Onorato & Federman, LLP, and files this Certification of Default to obtain an order for Relief from the Automatic Stay due to Debtors’ failure to comply with the terms of the Stipulation resolving a Motion for Relief from Automatic Stay, and avers the following:

1. On September 25, 2019, the attached Stipulation was approved by the Court. See Exhibit “A” attached.
2. Debtors did not continue to make the post-petition payments as required by the Stipulation. On February 5, 2021, Movant sent a Notice of Default to the Debtors and Debtors’ Counsel, Kevin M. Walsh, Esquire, as required by paragraph 5 of the Stipulation. See Exhibit “B” attached.
3. Per the terms of the Stipulation if the default is not cured within ten (10) days of the date of the written notice of default, Movant may file a Certification of Default and an Order shall be entered granting Movant relief from the automatic stay.
4. As of the date of the filing of this Certification of Default, more than ten (10) days have passed and the default has not been cured.

5. Movant has not received the following payments that were due pursuant to the Stipulation attached as Exhibit "A:"

04/18/20 – 12/18/20 regular payments @ \$1,000.13 each	\$9,001.17
01/18/21 – 02/18/21 regular payments @ \$959.20 each	\$1,918.40
Less Suspense	(\$994.17)
Attorney fees for Certificate of Default	\$200.00
Attorney fees for Notice of Default	\$100.00
 TOTAL	 \$10,225.40

WHEREFORE, Movant respectfully requests this Honorable Court enter an ORDER granting Movant Relief from the Automatic Stay.

Respectfully Submitted,

/s / Bradley J. Osborne, Esquire
Bradley J. Osborne, Esquire
Hladik, Onorato & Federman, LLP
Attorney I.D. # 312169
298 Wissahickon Avenue
North Wales, PA 19454
Phone 215-855-9521
Email: bosborne@hoflawgroup.com

Date: 3/9/2021

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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In Re:	: Bankruptcy No. 5:19-bk-01677-RNO
Carmelita P Zarola	: Chapter 13
Debtor	:
	:
U.S. Bank National Association, not in its	:
individual capacity but solely as Trustee for	:
the NRZ Pass-Through Trust XVIII c/o Fay	:
Services, LLC	:
Movant	:
vs.	:
Carmelita P Zarola and Dominick Zarola	:
(Non-filing Co-Debtor)	:
Debtors/Respondents	:
and	:
Charles J. DeHart, III, Esquire	:
Trustee/Respondent	:

ORDER

AND NOW, this ____ day of _____, 2021, upon the consideration of U.S. Bank National Association, not in its individual capacity but solely as Trustee for the NRZ Pass-Through Trust XVIII c/o Fay Services, LLC's ("Movant") Certification of Default, it is hereby:

ORDERED THAT: the Automatic Stay of all proceedings, as provided under 11 U.S.C. § 362 of the Bankruptcy Code is modified and lifted with respect to the property located at 130 Waller Street, Wilkes Barre, PA 18702, and it is:

FURTHER ORDERED THAT: the 14-day stay provided by Rule 4001 (a)(3) is hereby waived.

BY THE COURT:

Honorable Robert N. Opel II
U.S. Bankruptcy Judge

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U.S. Bank National Association, not in its	:
individual capacity but solely as Trustee for	:
the NRZ Pass-Through Trust XVIII c/o Fay	:
Services, LLC	:
Movant	:
vs.	:
Carmelita P Zarola and Dominick Zarola	:
(Non-filing Co-Debtor)	:
Debtors/Respondents	:
and	:
Charles J. DeHart, III, Esquire	:
Trustee/Respondent	:

CERTIFICATION OF SERVICE

I, Bradley J. Osborne, Esq., attorney for Movant, U.S. Bank National Association, not in its individual capacity but solely as Trustee for the NRZ Pass-Through Trust XVIII c/o Fay Services, LLC, hereby certify that I served a true and correct copy of the foregoing Certificate of Default, by United States Mail, first class, postage prepaid, or Electronic Mail on **03/09/2021** upon the following:

Kevin M Walsh, Esquire
Via ECF:
Attorney for Debtors

Charles J. DeHart, III, Esquire
Via ECF:
Trustee

Carmelita P Zarola
Dominick Zarola
130 Waller Street
Wilkes Barre, PA 18702
Via First Class Mail
Debtor and Non-filing Co-Debtor

Dated: 03/09/2021

/s / Bradley J. Osborne, Esquire
Bradley J. Osborne, Esquire
Hladik, Onorato & Federman, LLP
Attorney I.D. # 312169
298 Wissahickon Avenue
North Wales, PA 19454
Phone 215-855-9521
Email: bosborne@hoflawgroup.com

EXHIBIT A

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In Re:	: Bankruptcy No. 5:19-bk-01677-RNO
Carmelita P Zarola	: Chapter 13
Debtor	:
	:
NRZ Pass-Through Trust II, U.S. Bank	:
National Association as trustee c/o Fay	:
Services, LLC	:
Movant	:
vs.	:
Carmelita P Zarola and Dominick Zarola	:
(Non-filing Co-Debtor)	:
Debtors/Respondents	:
and	:
Charles J. DeHart, III, Esquire	:
Trustee/Respondent	:

**CONSENT ORDER / STIPULATION AGREEMENT SETTLING
MOTION FOR RELIEF FROM AUTOMATIC STAY AND CO-DEBTOR STAY**

AND NOW, upon the Motion of NRZ Pass-Through Trust II, U.S. Bank National Association as trustee c/o Fay Services, LLC ("Creditor"/"Movant"), through its counsel, Hladik, Onorato & Federman, LLP, for relief from the automatic stay and co-debtor stay pursuant to Bankruptcy Code § 362(d) and § 1301 as to certain property, 130 Waller Street, Wilkes Barre, PA 18702 (the "Property"), it is hereby agreed as follows:

Carmelita P Zarola (hereafter, "Debtor") and Dominick Zarola (Non-filing Co-Debtor) acknowledge that the following monthly post-petition mortgage payments are due as follows:

Payments (5/18/2019 – 8/18/19 @ \$998.64 each)	\$3,994.56
Attorney's fees/costs.....	\$1,031.00
Arrears ("Arrears").....	\$5,025.56

1. Debtor shall cure the Arrears as set forth above in the following manner:

- a. Roll the **\$5,025.56** balance of the Total Arrears into and pay it through the Debtor's Chapter 13 Plan of Reorganization in order to cure this portion of the Total Arrears in addition to the current arrearage amount on Movant's Proof of Claim. Debtor's attorney shall file an Amended Plan within seven (10) days of the entry of this Stipulation.

2. Debtors agree to continue making the regular post-petition monthly mortgage payments to Creditor in the amount of **\$998.64** (or as may be adjusted from time to time, as per standard escrow practices), commencing with the **09/18/2019** payment and monthly every payment thereafter.

3. Debtor shall make the regular monthly payments required to the Trustee.
4. Debtor shall send all payments due directly to Creditor at the address below:

**Fay Servicing LLC
P.O. Box 814609
Dallas, TX 75381**

Fay's loan #xxxxx9875 must appear on each payment.

5. In the event Debtor fails to make any of the payments set forth hereinabove (or real estate taxes and/or hazard insurance when due) on or before their due dates, Creditor and/or Counsel may give Debtor and Debtor's counsel notice of the default. If Debtor does not cure the default within ten (10) days of the notice, upon Certification of Default to the Court, and request for Order, with a copy to Debtor and Debtor's counsel, Creditor shall immediately have relief from the bankruptcy stay and Co-Debtor stay upon entry of Court Order.

6. The failure by the Creditor, at any time, to file a Certification of Default upon default by the Debtor shall not be construed, nor shall such failure act, as a waiver of any of Creditor's rights hereunder.

7. Upon issuance of the aforesaid Order, the parties hereto further agree that Creditor may proceed in state court to exercise all rights and remedies available to it as a mortgagee and creditor under state and federal law including, but not limited to, the initiation of and continuation of foreclosure and execution process through sheriff's sale concerning the Property and ejectment thereafter.

8. In the event Debtor converts to a bankruptcy under Chapter 7 of the Bankruptcy Code then Debtor shall pay all pre-petition arrears and post-petition arrears within 10 days from the date the case is converted. If Debtor fails to make payments in accordance with this paragraph then the Creditor, through Counsel, may file a certification setting forth said failure and the Creditor shall be granted immediate relief from the automatic stay.

9. It is further agreed that the 14-day stay provided by Rule 4001(a)(3) is hereby waived.

10. The undersigned parties request that the Court enter an Order approving this Consent Order/Stipulation and the terms therein.

By signing this Stipulation, Debtor's Counsel represents that the Debtor and Co-Debtors are familiar with and understand the terms of this Stipulation and agree to said terms regardless of whether the Debtor or Co-Debtors have actually signed this Stipulation. Seen and agreed by the parties on the date set forth below:

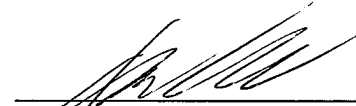
/s/ Danielle Boyle-Ebersole
Danielle Boyle-Ebersole, Esquire
Counsel for Creditor

Date: 09/10/2019


Agatha McHale, Esq.

for Charles J. DeHart, III, Esquire
Trustee

Date: 9/23/2019


Kevin M Walsh, Esquire
Counsel for Debtor

Date: 9-11-19

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In Re:	:	Bankruptcy No. 5:19-bk-01677-RNO
Carmelita P Zarola	:	Chapter 13
Debtor	:	
	:	
NRZ Pass-Through Trust II, U.S. Bank	:	
National Association as trustee c/o Fay	:	
Services, LLC	:	
Movant	:	
vs.	:	
Carmelita P Zarola and Dominick Zarola	:	
(Non-filing Co-Debtor)	:	
Debtors/Respondents	:	
and	:	
Charles J. DeHart, III, Esquire	:	
Trustee/Respondent	:	

ORDER

And Now, it is hereby ORDERED that the Stipulation between the parties is approved.

Dated: September 25, 2019

By the Court,



Robert N. Opel, II, Chief Bankruptcy Judge (DG)

EXHIBIT B

Law Offices of
HLADIK, ONORATO & FEDERMAN, LLP
298 Wissahickon Avenue
North Wales, PA 19454
(215) 855-9521

February 05, 2021

Kevin M. Walsh, Esquire
297-299 Pierce Street
Kingston, PA 18704

RE: Carmelita P. Zarola and Dominick Zarola (Non-filing Co-Debtor)
Chapter 13, Case No. 5:19-bk-01677-RNO
Type of Action: NRZ Pass-Through Trust II, U.S. Bank National as
Trustee c/o Fay Services, LLC's Notice of Default

Dear Attorney Walsh,

The stipulation executed by the parties and approved by the Court in the above referenced matter requires the Debtor to remain current with her monthly post-petition payments beginning 09/18/2019. The Debtor has not been making post-petition payments as required by the Stipulation. The post-petition delinquency is as follows:

4/18/20 – 12/18/20 regular payments @ \$1,000.13 each	\$9,001.17
01/18/2021 regular payment @ \$959.20	\$959.20
Less suspense	(\$994.17)
Attorney fees for Notice of Default	\$100.00
TOTAL	\$9,066.20

The Debtor is therefore in default of the agreed stipulation. The amount needed to cure the default is **\$9,066.20**. The payment to cure these arrears must be made in certified funds.

In accordance with said stipulation, this shall serve as ten (10) days written notice, of default. If the default is not cured within ten (10) days of the date of this letter, then : NRZ Pass-Through Trust II, U.S. Bank National as Trustee c/o Fay Services, LLC shall file a Certification with the Court, entitling it to relief from stay and Co-Debtor Stay.

If you should have any questions, please contact my office.

Very truly yours,

/s/ Bradley J. Osborne, Esquire
Bradley J Osborne, Esquire

cc: Carmelita P. Zarola
Dominick Zarola
130 Waller Street
Wilkes Barre, PA 18702